

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

\_\_\_\_\_  
In re Patent Application of:  
Masashi TAMURA et al.

Application No.: 10/553,424

Confirmation No.: 1484

Filed: October 18, 2005

Art Unit: 2624

For: IMAGE PROCESSING METHOD

Examiner: M. A. Newman

**SUPPLEMENT TO INTERVIEW SUMMARY**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INTRODUCTORY COMMENTS**

In response to the Interview Summary issued on May 9, 2008, regarding a series of telephonic interviews in reference to the above-identified U.S. patent application, Applicants wish to file supplemental remarks as follows:

**Remarks/Arguments** begin on page 2 of this paper.

### REMARKS

Applicants thank the Examiner for discussing the above-referenced Application with Applicants' representative. Applicants wish to reiterate their positions regarding issues still outstanding as a result of the Interview, and also submit rebuttals of some statements made by the Examiner that Applicants regard as inconsistent with published Examination guidelines.

#### Applicants' position regarding Atkinson Reference

The Examiner states, in the interview summary, that he did rely on the Atkinson reference for a specific teaching in the Office Action of March 24, 2008. Applicants agreed that the Atkinson definition of a feature value is a valid one and stated that they were willing to accept this definition as the Examiner's basis of interpreting the Kotaki reference if the Examiner included the Atkinson reference as prior art in making his rejection.

#### Applicants' Rebuttal of Examiner's use of Atkinson

Since the Atkinson reference is not included as a reference in the rejection made by the Examiner, and since the Examiner concedes that the Atkinson definition was actually inconsistent with his interpretation of the Kotaki reference, Applicants understand the Examiner to be taking Official Notice of a definition of a "feature value" and therefore challenge the Examiner to produce prior art supporting his asserted definition.

"It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." (MPEP §2144.03.A). Here, given the discussion that the Examiner and Applicants' Representative have had regarding what the proper definition of a "feature value" is, Applicants respectfully submit that any definition of a "feature value" relied upon by the Examiner be supported with a prior art reference as required by MPEP §2144.03.

Applicants' position regarding Kotaki Reference

The Examiner agreed that Kotaki does not teach calculating feature values as defined in Applicants' specification. Applicants' Representative therefore maintained that the Examiner, knowing and understanding how Applicants have defined the term "feature value" in their specification, may not employ an alternative or substitute definition at odds with that provided by Applicants.

Applicants' rebuttal of Examiner's use of Kotaki

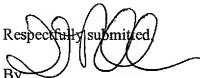
"Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim." (MPEP §2106.II.C). Applicants respectfully submit that since the Examiner admits that Applicants' specification defines the term "feature value," Applicants' definition of that term must control interpretation of the term as it is used in the claims. Applicants therefore respectfully submit that even if the Examiner relies on Kotaki for an implicit definition of the term "feature value," such a definition is not applicable to Applicants' claims because Applicants have defined the term "feature value" in their specification. Applicants respectfully submit that the Examiner is must interpret Applicants' claims in light of the definitions provided in their specification as required by MPEP §2106.

**Conclusion**

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is requested to contact Applicants' representative, Naphtali Matlis (Reg. No. 61,592) at the telephone number of the undersigned in order to discuss the application and expedite prosecution.

Dated: May 20, 2008

Respectfully submitted,



By \_\_\_\_\_

D. Richard Anderson

Registration No.: 40,439

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant